

Question first recurring on the motion to adjourn until 9:30 o'clock a. m. next Monday, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—64.

Adamson.	Jackson.
Alsup.	Johnson
Anderson.	of Dimmit.
Baker.	Jones of Shelby.
Bond.	Jones of Atascosa.
Bradley.	Justiss.
Burns of Walker.	Kayton.
Dale.	Keller.
Daniel.	Lemens.
Davis.	Long.
DeWolfe.	McGill.
Duvall.	Martin.
Dwyer.	Mehl.
Elliott.	Moore.
Farmer.	Munson.
Ferguson.	Murphy.
Ford.	Olsen.
Fuchs.	Patterson.
Goodman.	Pope.
Greathouse.	Ramsey.
Grogan.	Reader.
Hardy.	Savage.
Harman.	Smith of Bastrop.
Harrison	Smith of Wood.
of El Paso.	Strong.
Harrison	Sullivant.
of Waller.	Tarwater.
Hatchitt.	Terrell
Hefley.	of Cherokee.
Herzik.	Towery.
Hill.	Wagstaff.
Holder.	Warwick.
Holland.	Weinert.
Hughes.	Wiggs.

Nays—54.

Adams of Jasper.	Forbes.
Adkins.	Gilbert.
Akin.	Giles.
Albritton.	Graves.
Barron.	Hanson.
Beck.	Hoskins.
Bounds.	Johnson
Boyd.	of Dallam.
Bryant.	Kennedy.
Burns	Lasseter.
of McCulloch.	Lilley.
Carpenter.	McDougald.
Claunch.	Mathis.
Coltrin.	Moffett.
Cunningham.	Petsch.
Dodd.	Ratliff.
Donnell.	Ray.
Dowell.	Rogers.
Engelhard.	Rountree.
Farrar.	Sanders.
Finn.	Satterwhite.
Fisher.	Scott.

Shelton.
Sherrill.
Sparkman.
Stephens.
Steward.
Vaughan.

Veatch.
Walker.
West of Coryell.
West of Cameron.
Wyatt.
Young.

Absent.

Adams of Harris.	Leonard.
Bedford.	Lockhart.
Brice.	McCombs.
Brooks.	McGregor.
Caven.	Magee.
Coombes.	Metcalfe.
Cox of Lamar.	Morse.
Cox of Limestone.	Nicholson.
Dunlap.	O'Quinn.
Hines.	Richardson.
Holloway.	Stevenson.
Howsley.	Terrell
Hubbard.	of Val Verde.
Johnson of Morris.	Turner.
Laird.	Van Zandt.
Lee.	Westbrook.

And the House accordingly, at 12:40 o'clock p. m., adjourned until 9:30 o'clock a. m. next Monday.

APPENDIX.

REPORT OF THE COMMITTEE
ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, February 19, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred H. B. No. 398, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for the several institutions and departments of State government named herein, for the balance of the fiscal year ending August 31, 1931, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

RICHARDSON, Vice-Chairman.

EIGHTEENTH DAY.

(Monday, February 23, 1931.)

The House met at 9:30 a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called and the following members were present:

Mr. Speaker.	Johnson
Adams of Harris.	of Dallam.
Adams of Jasper.	Johnson
Adamson.	of Dimmit.
Adkins.	Johnson of Morris.
Akin.	Jones of Shelby.
Albritton.	Jones of Atascosa.
Alsup.	Kayton.
Anderson.	Keller.
Baker.	Kennedy.
Beck.	Laird.
Bedford.	Lasseter.
Bond.	Lee.
Bounds.	Lemens.
Bradley.	Lilley.
Bryant.	Lockhart.
Burns of Walker.	Long.
Burns	McCombs.
of McCulloch.	McDougald.
Carpenter.	McGill.
Claunch.	McGregor.
Coltrin.	Martin.
Cox of Lamar.	Mathis.
Cox of Limestone.	Mehl.
Cunningham.	Metcalfe.
Dale.	Moffett.
Daniel.	Moore.
Davis.	Munson.
DeWolfe.	Murphy.
Dodd.	Nicholson.
Donnell.	Olsen.
Dowell.	O'Quinn.
Dunlap.	Patterson.
Duvall.	Ramsey.
Dwyer.	Ratliff.
Elliott.	Ray.
Engelhard.	Reader.
Farmer.	Richardson.
Farrar.	Rogers.
Ferguson.	Rountree.
Fisher.	Sanders.
Forbes.	Satterwhite.
Ford.	Savage.
Fuchs.	Scott.
Gilbert.	Shelton.
Giles.	Sherrill.
Goodman.	Smith of Bastrop.
Graves.	Smith of Wood.
Greathouse.	Sparkman.
Grogan.	Stephens.
Hanson.	Steward.
Hardy.	Strong.
Harman.	Sullivant.
Harrison	Tarwater.
of El Paso.	Terrell
Harrison	of Cherokee.
of Waller.	Towery.
Hefley.	Turner.
Herzik.	Vaughan.
Hines.	Veatch.
Holder.	Wagstaff.
Holland.	Walker.
Hoskins.	Warwick.
Howsley.	Weinert.
Hubbard.	West of Coryell.
Hughes.	West of Cameron.
Jackson.	Westbrook.

Wiggs.
Wyatt.

Young.

Absent.

Brooks.
Finn.

Hatchitt.
Petsch.

Absent—Excused.

Barron.
Boyd.
Brice.
Caven.
Coombes.
Hill.
Holloway.
Justiss.

Leonard.
Magee.
Morse.
Pope.
Stevenson.
Terrell.
of Val Verde.
Van Zandt.

A quorum was announced present.
Prayer was offered by the Rev.
John W. Holt, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were
granted leaves of absence on account
of important business:

Mr. Justiss for today, on motion
of Mr. Bounds.

Mr. Terrell of Val Verde for today
and the balance of the week, on mo-
tion of Mr. Cunningham.

Mr. Hill for today, on motion of
Mr. Walker.

Mr. Pope for today, on motion of
Mr. Steward.

Mr. Holloway for today and tomor-
row, on motion of Mr. Johnson of
Morris.

Mr. Stevenson for today, on motion
of Mr. Burns of Walker.

Mr. Brice for today, on motion of
Mr. Veatch.

Mr. Coombes for today, on motion
of Mr. Savage.

Mr. Caven for today, on motion of
Mr. Johnson of Dallam.

Mr. Magee for today, on motion of
Mr. McDougald.

Mr. Stephens for today, on motion
of Mr. Gilbert.

Mr. Barron for today, on motion
of Mr. Dunlap.

Mr. Van Zandt for today, on motion
of Mr. Sullivant.

The following members were
granted leaves of absence on account
of sickness:

Mr. Boyd for today, on motion of
Mr. Ratliff.

Mr. Leonard for today, on motion
of Mr. Cunningham.

Mr. Morse for last Tuesday,
Wednesday, Thursday, Friday and to-
day, on motion of Mr. Patterson.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Forbes:

H. B. No. 702, A bill to be entitled "An Act to make unlawful the acceptance of any free pass or frank by any member of the Legislature of Texas, from any place of amusement operated in this State, where an admission fee is generally charged; providing that it shall be unlawful for any such member to use such a pass or frank in gaining admission to any such place of amusement; prescribing penalties for violation of this act, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Young and Mr. Gilbert:

H. B. No. 703, A bill to be entitled "An Act authorizing school trustees to issue interest-bearing warrants in payment of salaries of employes for the year 1930-1931; specifying the rate of interest at eight per cent; limiting the amount of warrants to be issued; giving such warrants preference over warrants issued for purposes other than payment of salaries, and declaring an emergency."

Referred to Committee on Education.

By Mr. Kennedy:

H. B. No. 704, A bill to be entitled "An Act to provide that no officer or employe of the State of Texas, any county, city, town, or village, or any municipality or political subdivision, using or accepting the benefits of any free pass or franking privilege of any railroad, interurban, motor bus or other transportation line, shall charge or collect from the State, county, city, town, village, municipality, or political subdivision, the amount he would have paid had he not used such free pass; fixing penalty, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Terrell of Cherokee:

H. B. No. 705, A bill to be entitled "An Act providing for the levying and collection of income taxes upon every individual, fiduciary, corpora-

tion, joint stock company, association, insurance company, partnership, guardian, trustee, executor, administrator, receiver, or any other person whether individual or corporate, acting in any fiduciary capacity for any person, trust, or estate, and every taxpayer of every kind and character who pays an income tax to the United States, etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Bradley, Mr. Keller, Mrs. Strong, Mr. Holder, Mr. Petsch and Mr. Gilbert:

H. B. No. 706, A bill to be entitled "An Act creating the Division of Child Welfare in the Board of Control, empowering the Board of Control to employ a chief and necessary assistants; prescribing qualification of the chief; defining the duty of the division as to defective, illegitimate, dependent, neglected and delinquent children through enforcement of all State laws in regard thereto, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Burns of McCulloch:

H. B. No. 707, A bill to be entitled "An Act providing that the trustees of independent school districts whether created by general or special law may fix the time during which the tax collectors shall collect the taxes of the various districts, and declaring an emergency."

Referred to Committee on Education.

By Mrs. Strong, Mr. Bradley and Mr. Holder:

H. B. No. 708, A bill to be entitled "An Act providing for the adoption of minors, establishing legal relations between the children and adopted parents and repealing Title 3 of the Revised Civil Statutes of the State of Texas, Revision of 1925, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Petsch:

H. B. No. 709, A bill to be entitled "An Act to amend Article 710 of the Code of Criminal Procedure with reference to permitting the defendant to testify in his own behalf."

Referred to Committee on Criminal Jurisprudence.

By Mr. Lemens:

H. B. No. 710, A bill to be entitled "An Act to repeal Chapter 26, Acts Thirty-ninth Legislature, pages 135-145, commonly known as the Head-light Testing Law, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Adkins:

H. B. No. 711, A bill to be entitled "An Act to allow office and traveling expense of the superintendents of public instruction in each county in Texas having a population of not less than 22,290 nor more than 22,300 according to the Federal census of 1930; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Olsen:

H. B. No. 712, A bill to be entitled "An Act to exempt male persons residing in Lavaca county, Texas, and not within the corporate limits of any incorporated city, town, or village, from road duty, and in lieu thereof requiring them to pay to the county tax collector of said county the sum of three dollars (\$3.00) annually, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the Committee on Constitutional Amendments:

By Mr. Moffett:

H. J. R. No. 31, Proposing an amendment to Section 26, of Article 3, of the Constitution of Texas, by adding thereto Section 26a, providing that under no apportionment shall any county be entitled to more than five representatives unless the population of such county shall exceed five hundred thousand people; providing for the apportionment in counties of more than five hundred thousand people; providing for its submission to the voters as required by the Constitution and making an appropriation therefor.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read first time and referred to the appropriate committees, as follows:

Senate bill No. 126, to the Committee on Public Health.

Senate bill No. 156, to the Committee on Public Lands and Buildings.

Senate bill No. 178, to the Committee on Municipal and Private Corporations.

Senate bill No. 229, to the Committee on Judiciary.

Senate bill No. 233, to the Committee on Education.

Senate bill No. 364, to the Committee on Highways and Motor Traffic.

Senate bill No. 365, to the Committee on Judicial Districts.

Senate bill No. 400, to the Committee on Game and Fisheries.

BILL RE-REFERRED.

On motion of Mr. Gilbert, House bill No. 533 was withdrawn from the Committee on State Affairs and referred to the Committee on Oil, Gas and Mining.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Metcalfe, House bills Nos. 467 and 470 were ordered not printed.

On motion of Mr. Reader, House bill No. 530 was ordered not printed.

On motion of Mrs. Hughes, Senate concurrent resolution No. 16 was ordered not printed.

RELATING TO HOUSE BILL NO. 526.

On motion of Mr. Satterwhite, by unanimous consent, the name of Mr. Lee was added to House bill No. 526 as one of the signers thereof.

COMMUNICATION FROM AUSTIN CHAMBER OF COMMERCE.

The Speaker laid before the House and had read the following invitation:

Austin, Texas, February 20, 1931.

Hon. T. H. McGregor, Austin, Texas.

Dear Friend: On Thursday evening at 7:30 o'clock, March 5, the members of the Chamber of Commerce have planned for the members

of the Legislature an entertainment in the nature of a Stag Smoker. There will be an excellent dinner and two hours of real snappy, enlivening entertainment, different from anything ever undertaken for the pleasure of our legislative friends. We feel that this evening will be filled with pleasure for everyone in attendance and that every man will be immensely glad that he was present.

In order that all legislators may be certain of attending, won't you please have such notice taken of this date that it can be set aside and every member free of all duties that might interfere with his attendance. I am sure that you will know how to handle this matter and that you will be interested in assisting the Chamber of Commerce committees in making a success of this undertaking.

Yours very sincerely,

J. W. EZELLE,

Vice-President,

Austin Chamber of Commerce.

At the same hour a dinner will be given the lady members of the House and the wives and daughters of the other members at the Driskill Hotel.

On motion of Mr. Gilbert, the House accepted the invitation.

RELATIVE TO RESOLUTIONS.

Mr. Holder moved that the House dispense with the further consideration of resolutions at this time.

The motion was lost by the following vote:

Yeas—65.

Albritton.	Harrison
Anderson.	of Waller.
Baker.	Holder.
Bond.	Hoskins.
Bounds.	Hubbard.
Claunch.	Hughes.
Coltrin.	Johnson
Cox of Lamar.	of Dimmit.
Cox of Limestone.	Johnson of Morris.
Davis.	Jones of Atascosa.
Donnell.	Keller
Duvall.	Kennedy.
Dwyer.	Lee.
Engelhard.	Lilley.
Farmer.	Lockhart.
Farrar.	McGregor.
Ferguson.	Mehl.
Forbes.	Moffett.
Ford.	Moore.
Fuchs.	Munson.
Grogan.	Murphy.
Hardy.	Nicholson.
Harman.	Pope.

Ramsey.
Ratliff.
Reader.
Richardson.
Rogers.
Sanders.
Satterwhite.
Savage.
Scott.
Shelton.
Sparkman.

Steward.
Strong.
Tarwater.
Turner.
Vaughan.
Veatch.
Walker.
Warwick.
Wyatt.
Young.

Nays—46.

Adams of Harris.	Jackson.
Adams of Jasper.	Jones of Shelby.
Adamson.	Johnson
Adkins.	of Dallam.
Akin.	Laird.
Alsup.	Lemens.
Bradley.	Long.
Bryant.	McDougald.
Burns of Walker.	McGill.
Carpenter.	Metcalfe.
Cunningham.	Olsen.
Dale.	O'Quinn.
Daniel.	Patterson.
DeWolfe.	Sherrill.
Dodd.	Smith of Bastrop.
Elliott.	Smith of Wood.
Gilbert.	Stephens.
Giles.	Sullivant.
Goodman.	Terrell
Graves.	of Cherokee.
Hanson.	Towery.
Harrison	Wagstaff.
of El Paso.	Weinert.
Herzik.	West of Coryell.
Holland.	

Present—Not Voting.

Fisher.

Absent.

Beck.	Howsley.
Bedford.	Kayton.
Brooks.	Lasseter.
Burns	McCombs.
of McCulloch.	Martin.
Dowell.	Mathis.
Dunlap.	Petsch.
Finn.	Ray.
Greathouse.	Rountree.
Hatchitt.	West of Cameron.
Hardy.	Westbrook.
Hines.	Wiggs.

Absent—Excused.

Barron.	Leonard.
Boyd.	Magee.
Brice.	Morse.
Caven.	Stevenson.
Coombes.	Terrell
Hill.	of Val Verde.
Holloway.	Van Zandt.
Justiss.	

EXTENDING THANKS TO MR. S. E. BARNETT.

Mr. Warwick offered the following resolution:

Whereas, Hon. S. E. Barnett, former member of this House, is now superintendent of the new printing plant in the Texas Penitentiary System at Huntsville; and

Whereas, This House has been furnished free of charge one thousand copies of the committee assignments of the members of the Forty-second Legislature, which were printed under the direction of Mr. Barnett in this new State printing plant; be it

Resolved, That the thanks of the House of Representatives of the State of Texas be and are hereby extended to Mr. Barnett and the boys who work in this plant for the courtesy and efficient service rendered in printing these booklets, and that a copy of this resolution be forwarded by the Chief Clerk to Mr. Barnett in behalf of the appreciation of the House.

The resolution was read second time and was adopted.

TO AUTHORIZE BOARD OF CON- TROL TO HAVE PRINTING DONE AT STATE PRISON.

Mr. Graves offered the following resolution:

H. C. R. No. 29, Relative to having State printing done at State Prison System.

Whereas, The State prison has recently been equipped with new and up-to-date printing machinery and there has been a competent master printer employed for the purpose of supervising, managing and controlling the printing department of such State prison; and

Whereas, It has been recently demonstrated that this department is well enough equipped, and able, to do a large part of the State's printing, and that such can be done at a much less cost than the State is now paying for its printing which is now being done by contract; therefore, be it

Resolved by the House and the Senate of Texas concurring, That the Board of Control of the State of Texas is hereby authorized and directed to investigate the feasibility of making a contract with the State Prison Board relative to such board doing a portion or all of the State's printing in the State prison, and if

such Board of Control deems it to be to the best interest of the State of Texas they are requested to enter into a contract with the State Prison Board to do so much or all of the State's printing at the State prison as they may deem advisable to have done there, and at a legal contract price therefor.

Signed—Graves, Burns of Walker.

The resolution was read second time.

Mr. Farmer moved that the resolution be referred to the Committee on Labor.

Mr. Graves moved to table the motion.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—93.

Adams of Jasper.	Hughes.
Adkins.	Jackson.
Albritton.	Johnson
Alsup.	of Dallam.
Baker.	Johnson
Beck.	of Dimmit.
Bond.	Johnson of Morris.
Bounds.	Jones of Atascosa.
Bryant.	Keller.
Burns of Walker.	Kennedy.
Burns	Lasseter.
of McCulloch.	Lee.
Carpenter.	Lemens.
Claunch.	Lilley.
Coltrin.	Lockhart.
Cox of Lamar.	Long.
Cox of Limestone.	McCombs.
Dale.	McGill.
Davis.	Metcalfe.
DeWolfe.	Moore.
Dodd.	Munson.
Donnell.	Murphy.
Dowell.	Olsen.
Duvall.	O'Quinn.
Elliott.	Ramsey.
Engelhard.	Ratliff.
Farrar.	Richardson.
Fisher.	Rogers.
Ford.	Rountree.
Fuchs.	Sanders.
Gilbert.	Satterwhite.
Giles.	Savage.
Goodman.	Scott.
Graves.	Shelton.
Grogan.	Sherrill.
Harman.	Sparkman.
Harrison	Stephens.
of El Paso.	Steward.
Hefley.	Strong.
Herzik.	Sullivant.
Hines.	Tarwater.
Holder.	Terrell
Hoskins.	of Cherokee.
Hubbard.	Towery.

Turner.	Warwick.
Vaughan.	West of Cameron.
Veatch.	Wiggs.
Wagstaff.	Wyatt.
Walker.	Young.

Nays—18.

Adams of Harris.	McGregor.
Akin.	Mathis.
Bradley.	Mehl.
Cunningham.	Moffett.
Dwyer.	Patterson.
Farmer.	Reader.
Forbes.	Smith of Bastrop.
Jones of Shelby.	Smith of Wood.
McDougald.	Weinert.

Absent.

Adamson.	Harrison
Anderson.	of Waller.
Bedford.	Holland.
Brooks.	Howsley.
Daniel.	Kayton.
Dunlap.	Laird.
Ferguson.	Martin.
Finn.	Nicholson.
Greathouse.	Petsch.
Hanson.	Ray.
Hardy.	West of Coryell.
Hatchitt.	Westbrook.

Absent—Excused.

Barron.	Leonard.
Boyd.	Magee.
Brice.	Morse.
Caven.	Pope.
Coombes.	Stevenson.
Hill.	Terrell
Holloway.	of Val Verde.
Justiss.	Van Zandt.

Mr. Tarwater moved that the resolution be referred to the Committee on Public Printing.

Mr. Satterwhite moved the previous question on the pending motion and the resolution, and the main question was ordered.

Question first recurring on the motion to refer the resolution, it was lost.

Question then recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—95.

Adams of Jasper.	Bond.
Adkins.	Bounds.
Albritton.	Bryant.
Alsup.	Burns of Walker.
Baker.	Burns
Beck.	of McCulloch.

Carpenter.	Lee.
Claunch.	Lemens.
Coltrin.	Lilley.
Cox of Lamar.	Lockhart.
Cox of Limestone.	Long.
Dale.	McGill.
Daniel.	Metcalfe.
Davis.	Moore.
DeWolfe.	Munson.
Dodd.	Murphy.
Donnell.	Olsen.
Dowell.	O'Quinn.
Duvall.	Ramsey.
Elliott.	Ratliff.
Engelhard.	Richardson.
Farrar.	Rogers.
Fisher.	Rountree.
Ford.	Sanders.
Fuchs.	Satterwhite.
Gilbert.	Savage.
Giles.	Scott.
Goodman.	Shelton.
Graves.	Sherrill.
Greathouse.	Sparkman.
Grogan.	Stephens.
Harman.	Steward.
Harrison	Strong.
of El Paso.	Sullivant.
Hefley.	Tarwater.
Herzik.	Terrell
Hines.	of Cherokee.
Hoskins.	Towery.
Howsley.	Turner.
Hubbard.	Vaughan.
Hughes.	Veatch.
Jackson.	Walker.
Johnson	Weinert.
of Dimmit.	West of Coryell.
Johnson of Morris.	West of Cameron.
Jones of Shelby.	Westbrook.
Jones of Atascosa.	Wiggs.
Kennedy.	Wyatt.
Laird.	Young.
Lasseter.	

Nays—22.

Adams of Harris.	McDougald.
Akin.	McGregor.
Anderson.	Mathis.
Bradley.	Mehl.
Cunningham.	Moffett.
Dwyer.	Patterson.
Farmer.	Reader.
Forbes.	Smith of Bastrop.
Holder.	Smith of Wood.
Keller.	Wagstaff.
McCombs.	Warwick.

Absent.

Adamson.	Hardy.
Bedford.	Hatchitt.
Brooks.	Harrison
Dunlap.	of Waller.
Ferguson.	Holland.
Finn.	Johnson
Hanson.	of Dallam.

Kayton.
Martin.
Nicholson.

Petsch.
Ray.

Absent—Excused.

Barron.	Leonard.
Boyd.	Magee.
Brice.	Morse.
Caven.	Pope.
Coombes.	Stevenson.
Hill.	Terrell
Holloway.	of Val Verde.
Justiss.	Van Zandt.

Mr. Holder raised a point of order on further consideration of resolutions at this time on the ground that the time for the consideration of resolutions has expired.

The Speaker sustained the point of order.

RELATIVE TO HOUSE CONCURRENT RESOLUTION NO. 28.

Mr. McGill asked unanimous consent of the House to have House concurrent resolution No. 28, relative to Foreign Relations Trade with China, heretofore adopted by the House, changed so as to provide that the Chief Clerk shall send copies of the resolution instead of the Secretary of State.

There was no objection offered.

RELATIVE TO CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 111.

Mr. Ramsey moved to reconsider the vote by which the House adopted the free conference committee report on House bill No. 111.

The motion to reconsider prevailed.

Mr. Harrison of El Paso moved that the report be not adopted and that the report be re-referred to the committee for further consideration.

The motion prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 23, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 21, A bill to be entitled "An Act authorizing certain charitable and eleemosynary institutions, incorporated under the laws of the State of Texas, to exercise the right of eminent domain and condemnation

within the confines of any incorporated city in this State having more than 43,000 inhabitants according to the United States census of 1920, which city is in a county having a population of less than 100,000 inhabitants according to said census, and declaring an emergency."

S. B. No. 126, A bill to be entitled "An Act to amend Chapter 115, Section 1, of the Acts of 1929, Forty-first Legislature, so as to increase the number of members on the Board of Nurse Examiners from five to six, and declaring an emergency."

S. B. No. 156, A bill to be entitled "An Act to provide for acquiring and acceptance of title from Goliad county and the city of Goliad to certain lots and blocks of land, being parts of the four league grant from the State of Coahuila and Texas to the town of Goliad; and providing for fencing, beautifying and improving said land, the same to be designated by name as 'Goliad State Park,' and declaring an emergency."

S. B. No. 178, A bill to be entitled "An Act amending Article 1302, Chapter 1, Title 32, Revised Civil Statutes of 1925, by adding to subdivision 89, authorizing the incorporation for the purpose of supplying water and sewerage service, and declaring an emergency."

S. B. No. 229, A bill to be entitled "An Act to amend Article 722 of the Revised Civil Statutes of the State of Texas of 1925, providing that the issuance of certain county bonds shall be based upon and limited by the taxable values of the county, and declaring an emergency."

S. B. No. 233, A bill to be entitled "An Act to amend Article 2829, Revised Civil Statutes of Texas, providing for giving of bond by county depository for school funds, etc."

S. B. No. 364, A bill to be entitled "An Act to create Road District No. 11 of Fayette county, Texas, conferring powers, privileges and duties generally conferred upon such districts; authorizing the holding of elections to vote and issue bonds, levy and collect taxes for the purpose of construction and maintenance of macadamized, gravel or paved roads and turnpikes, or in aid thereof; authorizing said district to have all powers, authority and privileges conferred by law on such districts, especially under Chapter 16 of the General Laws of the Thirty-ninth Legislature at its First Called Session, and declaring an emergency."

S. B. No. 365, A bill to be entitled "An Act to create a court to be known as the county court of Potter county at law; to define the jurisdiction of said court, and making the jurisdiction concurrent with the jurisdiction of the justice court in all causes, civil and criminal; to fix the terms thereof; to provide a clerk to be appointed by the county clerk of Potter county, and fix his salary; to fix the qualifications, bond and salary, and provide for the appointment, election or removal of the judge thereof; to provide for the transfer of any cases and appeal therefrom, now pending in the county court of Potter county to said court hereby created, and to provide for appeals from inferior courts to the court hereby created; providing for a special judge, for the distribution of fees, for a seal of said court, and prescribing the duties of the sheriff and county attorney in relation to said court, and declaring an emergency."

S. B. No. 400, A bill to be entitled "An Act regulating the taking and catching of catfish, bass and perch in Wise and Jack counties, Texas, with any seine or net of a certain mesh; prescribing offenses, fines and penalties; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Respectfully,
JNO. B. DuPRIEST,
Assistant Secretary of the Senate.

RELATIVE TO ERECTION OF MONUMENT TO GEORGE WASHINGTON.

The Speaker laid before the House, for consideration at this time, Senate concurrent resolution No. 16, relative to erecting monument to George Washington, the resolution having heretofore been read second time and referred to the Committee on Public Lands and Buildings.

The committee having reported the resolution favorably.

Mr. McGill offered the following committee amendment to the resolution:

Amend Senate concurrent resolution No. 16 by adding after the words "Be it resolved," in paragraph 4, line 1, the following: "By the Senate of the State of Texas."

The amendment was adopted.

The resolution as amended was then adopted.

HOUSE BILL NO. 42 ON PASSAGE TO ENGROSSMENT.

The Speaker laid before the House, as a special order for this hour, on its passage to engrossment,

H. B. No. 42, A bill to be entitled "An Act to amend Article 2203 of Chapter 8 of Title 42 of the Revised Civil Statutes of Texas, 1925, relating to the verdict of juries in civil cases, so as to provide that in the trial of civil cases nine members of the jury concurring may render a verdict in the district court and five jurors concurring may render a verdict in the county court, county courts at law and courts of justices of the peace, and repealing all laws in conflict herewith, and declaring an emergency."

The bill having heretofore been read second time.

Mr. Cox of Limestone moved the previous question on the engrossment of the bill, and the main question was ordered.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 42 was then passed to engrossment by the following vote:

Yeas—60.

Adams of Jasper.	Johnson
Adamson.	of Dimmit.
Adkins.	Jones of Atascosa.
Akin.	Jones of Shelby.
Bryant.	Lee.
Burns of Walker.	Lockhart.
Claunch.	McGill.
Coltrin.	Metcalf.
Cunningham.	Munson.
Dale.	Richardson.
Daniel.	Rogers.
Davis.	Rountree.
DeWolfe.	Sanders.
Dodd.	Satterwhite.
Donnell.	Savage.
Dowell.	Scott.
Engelhard.	Shelton.
Farmer.	Sherrill.
Farrar.	Smith of Bastrop.
Fisher.	Sparkman.
Forbes.	Steward.
Ford.	Strong.
Fuchs.	Sullivan.
Giles.	Tarwater.
Greathouse.	Terrell of Cherokee.
Herzik.	Towery.
Hines.	Vaughan.
Holland.	Veatch.
Hughes.	Warwick.
Johnson	West of Coryell.
of Dallam.	Wyatt.

Nays—51.

Adams of Harris.	Hubbard.
Albritton.	Johnson of Morris.
Alsup.	Keller.
Anderson.	Kennedy.
Baker.	Lasseter.
Beck.	Lilley.
Bedford.	Long.
Bond.	McCombs.
Bounds.	McGregor.
Bradley.	Mathis.
Burns	Moffett.
of McCulloch.	Moore.
Carpenter.	Murphy.
Cox of Lamar.	Olsen.
Dwyer.	Patterson.
Elliott.	Ramsey.
Ferguson.	Ratliff.
Gilbert.	Smith of Wood.
Goodman.	Stephens.
Graves.	Turner.
Grogan.	Wagstaff.
Hanson.	Walker.
Harman.	Weinert.
Harrison	West of Cameron.
of El Paso.	Westbrook.
Hoskins.	Wiggs.
Howsley.	

Present—Not Voting.

Ray.

Absent.

Brooks.	Kayton.
Cox of Limestone.	Laird.
Dunlap.	Lemens.
Duvall.	McDougald.
Finn.	Martin.
Hatchitt.	Mehl.
Hardy.	Nicholson.
Harrison	O'Quinn.
of Waller.	Petsch.
Hefley.	Reader.
Holder.	Young.
Jackson.	

Absent—Excused.

Barron.	Leonard.
Boyd.	Magee.
Brice.	Morse.
Caven.	Pope.
Coombes.	Stevenson.
Hill.	Terrell.
Holloway.	of Val Verde.
Justiss.	Van Zandt.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 23, 1931.

Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: I am directed by the Senate
to inform the House that the Senate
has concurred in House amendment

to Senate concurrent resolution No.
16, Relating to the work of the
Daughters of the American Revolution.

Respectfully,
JNO. B. DuPRIEST,
Assistant Secretary of the Senate.

HOUSE BILL NO. 81 ON SECOND
READING.

On motion of Mr. Bond (by unani-
mous consent), the regular order of
business was suspended to take up
and have placed on its second read-
ing and passage to engrossment,

H. B. No. 81, A bill to be entitled
"An Act amending Chapter 17 of the
Thirty-ninth Legislature, page 44,
also amending Articles 5160, 5161,
5162, 5163 and 5164, Revised Civil
Statutes of the State of Texas for
1925, providing that anyone contract-
ing with the State of Texas, or its
counties, or school districts, or other
subdivisions or any municipality for
the construction of public buildings or
the prosecution and completion of any
public work, they shall retain at
least 50 per cent of the funds that
may become due and owing on the
contract until final completion of such
contract; also providing that labor-
ers, materialmen and those furnish-
ing equipment shall have a lien, and
also providing for security to be fur-
nished by contractors, also providing
that accounts for materials and labor
shall be filed procedure for the en-
forcement of claims and liens, time
to sue, prorating claims, and declar-
ing an emergency."

The Speaker laid the bill before the
House and it was read second time.

Mr. Bond offered the following
(committee) amendment to the bill:

Amend Section 2, line 3, by add-
ing after the word "state" and before
the word "shall," the following words,
"regardless of whether or not same
was actually used by the contractor
in such public improvement."

The amendment was adopted.

Mr. Bond offered the following
(committee) amendment to the bill:

Amend Section 4, twelfth line after
the word "contract" and before the
word "which," by adding the follow-
ing words, "regardless of whether or
not such material was actually used
in the prosecution of such work."

Mr. Bond offered the following sub-
stitute for the amendment:

Amend House bill No. 81, Section No. 4, so that entire Section No. 4 shall read as follows:

"Section 4. That Article 5160 of the Revised Civil Statutes of 1925, as amended by the Acts of 1929, Forty-first Legislature, page 481, Chapter 226, Section 1, be amended so as to read as follows:

"Any person, firm or corporation entering into a formal contract with this State or its counties, or school districts, or other subdivision thereof, or any municipality therein, for the construction of any public building, or the prosecution and completion of any public work shall be required, before commencing such work, to execute a penal bond in a sum equal to at least the amount of the contract with some good solvent surety company authorized to do business in Texas, as surety, with the additional obligation that such contractor shall promptly make payments to all persons supplying the contractor, subcontractor, assignee or any other persons prosecuting the work provided for in such contract with labor and material for the prosecution of the work provided in such contract, regardless of whether or not such material is so used, which bond shall inure to the benefit of the contracting parties, laborers and materialmen, and they shall be permitted to sue thereon. Any person, company or corporation who has furnished labor or material used or furnished to be used in the construction or repair of any public building or public work, and payment for which has not been made, shall have the right to sue on such bond, or intervene and be made a party to any action instituted by the State or any municipality on the bond of the contractor and to have the rights and claims adjudicated in such action and judgment rendered thereon, as well as foreclosure of lien upon any funds, moneys or bonds or warrants due and to become due to such contractors for such improvements, subject, however, to the priority of the claims and judgment of the State or municipality. If the full amount of the liability of the surety on said bond, together with the moneys or bonds or warrants secured by such lien, is insufficient to pay the full amount of said claims and demands, then after paying the full amount due the State or municipality, the remainder shall be distributed pro rata among said interveners.

"Provided further, that all claims for labor and material furnished to said contractor, and all claims for labor and material furnished to any contractor shall be itemized and sworn to as required by statutes as to mechanic's lien claims, and such claims shall be filed with the county clerk of the county, in which said work is being prosecuted, within ninety days from the date of the delivery of said material and the performance of said work. The county clerk shall note on the mechanic's lien record, the name of the claimant, the amount claimed, the name of the contractor and the name of the county, school district, other subdivisions, or municipality with which the contract was made; and the county clerk shall index the claim under the name of the contractor and under the name of the county, school district, other subdivisions or municipality with which the contract was made;

"Provided further, that after completion and acceptance of completed project all moneys due contractor under said contract shall be held by the State or its counties or school districts or other subdivision thereof or any municipality until such a time that satisfactory evidence is submitted and affidavits made by the contractor that all just bills for labor and material under this contract have been paid in full by the contractor."

Question recurring on the substitute, yeas and nays were demanded.

The substitute amendment was adopted by the following vote:

Yeas—53.

Adamson.	Graves.
Akin.	Harrison
Alsup.	of Waller.
Beck.	Hefley.
Bond.	Herzik.
Bounds.	Holder.
Bryant.	Holland.
Burns	Hughes.
of McCulloch.	Lee.
Carpenter.	McCombs.
Coltrin.	McGregor.
Cox of Lamar.	Mathis.
Dale.	Moffett.
Dowell.	Moore.
Elliott.	Munson.
Engelhard.	Olsen.
Farmer.	Patterson.
Ferguson.	Richardson.
Fisher.	Rogers.
Forbes.	Rountree.
Giles.	Sanders.

Satterwhite.
Scott.
Smith of Wood.
Stephens.
Steward.
Sullivant.
Terrell of Cherokee.

Towery.
Vaughan.
Veatch.
Walker.
Weinert.
Westbrook.

Nays—49.

Adams of Harris.	Jackson.
Adams of Jasper.	Johnson
Adkins.	of Dimmit.
Albritton.	Johnson of Morris
Baker.	Jones of Shelby.
Bradley.	Jones of Atascosa.
Burns of Walker.	Kennedy.
Claunch.	Laird.
Cox of Limestone.	Lasseter.
Daniel.	Lilley.
Davis.	Lockhart.
DeWolfe.	Murphy.
Dodd.	Ramsey.
Dwyer.	Ratliff.
Farrar.	Ray.
Ford.	Savage.
Fuchs.	Sherrill.
Goodman.	Strong.
Greathouse.	Turner.
Grogan.	Wagstaff.
Hanson.	Warwick.
Hardy.	West of Coryell.
Harrison	West of Cameron.
of El Paso.	Wyatt.
Hines.	Young.
Howsley.	

Absent.

Anderson.	Lemens.
Bedford.	Long.
Brooks.	McDougald.
Cunningham.	McGill.
Donnell.	Martin.
Dunlap.	Mehl.
Duvall.	Metcalf.
Finn.	Nicholson.
Gilbert.	O'Quinn.
Hatchitt.	Petsch.
Harman.	Reader.
Hoskins.	Shelton.
Hubbard.	Smith of Bastrop.
Johnson	Sparkman.
of Dallam.	Tarwater.
Kayton.	Wiggs.
Keller.	

Absent—Excused.

Barron.	Leonard.
Boyd.	Magee.
Brice.	Morse.
Caven.	Pope.
Coombes.	Stevenson.
Hill.	Terrell
Holloway.	of Val Verde.
Justiss.	Van Zandt.

Mr. Metcalfe offered the following amendment to the amendment as substituted:

Amend amendment to amendment No. 2, House bill No. 81, by striking out the words "in an amount equal to at least the amount of the contract," and substitute the following, "in an amount equal to fifty per cent (50%) of the contract price."

Mr. Hubbard moved that the bill be recommitted to the Committee on Judiciary.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—43.

Adkins.	McCombs.
Beck.	McGill.
Bradley.	Mathis.
Claunch.	Mehl.
Daniel.	Metcalf.
Dunlap.	Moffett.
Ford.	Moore.
Fuchs.	Murphy.
Giles.	O'Quinn.
Graves.	Ratliff.
Grogan.	Rogers.
Hardy.	Satterwhite.
Harrison	Shelton.
of Waller.	Sherrill.
Hoskins.	Steward.
Howsley.	Turner.
Hubbard.	Wagstaff.
Hughes.	Walker.
Kennedy.	Warwick.
Laird.	Weinert.
Lasseter.	West of Cameron.
Lilley.	Westbrook.

Nays—62.

Adams of Harris.	Goodman.
Adams of Jasper.	Greathouse.
Adamson.	Hanson.
Akin.	Hefley.
Albritton.	Herzik.
Alsup.	Hines.
Baker.	Holder.
Bond.	Holland.
Bounds.	Jackson.
Bryant.	Johnson of Morris.
Burns	Jones of Shelby.
of McCulloch.	Jones of Atascosa.
Carpenter.	Lee.
Coltrin.	Lemens.
Cox of Lamar.	Lockhart.
Cox of Limestone.	Long.
Dale.	McGregor.
Davis.	Munson.
Dodd.	Olsen.
Dowell.	Ray.
Elliott.	Richardson.
Engelhard.	Rountree.
Farmer.	Savage.
Farrar.	Smith of Wood.
Ferguson.	Sparkman.
Fisher.	Stephens.
Forbes.	Strong.

Sullivant.	Vaughan.
Tarwater.	Veatch.
Terrell	West of Coryell.
of Cherokee.	Wyatt.
Towery.	Young.

Absent.

Anderson.	Johnson
Bedford.	of Dimmit.
Brooks.	Kayton.
Burns of Walker.	Keller.
Cunningham.	McDougald.
DeWolfe.	Martin.
Donnell.	Nicholson.
Duvall.	Patterson.
Dwyer.	Petsch.
Finn.	Ramsey.
Gilbert.	Reader.
Hatchitt.	Sanders.
Harman.	Scott.
Harrison	Smith of Bastrop.
of El Paso.	Wiggs.
Johnson of Dallam.	

Absent—Excused.

Barron.	Leonard.
Boyd.	Magee.
Brice.	Morse.
Caven.	Pope.
Coombes.	Stevenson.
Hill.	Terrell
Holloway.	of Val Verde.
Justiss.	Van Zandt.

Question—Shall the amendment to the amendment as substituted be adopted?

RECESS.

On motion of Mr. Satterwhite, the House, at 12:10 o'clock p. m., took recess to 9:30 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have to-day filed favorable reports on bills, as follows:

Insurance: House bills Nos. 224, 332.
Appropriations: House bill No. 688.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, February 21, 1931.
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred H. B. No. 564, A bill to be entitled "An Act creating and enlarging Mullin Independent School District in Mills county, Texas; defining its boundary lines, including the Mullin Independent School District as created by an Act of the First Called Session of the Thirty-ninth Legislature, and the Blanket Springs Common School District No. 10, in Mills county, Texas, contiguous thereto, and validating an election held on the 28th day of June, 1930, in both of said districts, for the purpose of enabling the legally qualified voters in each of the said districts to determine whether or not the said two districts should be consolidated for public free school purposes and be known as the Mullin Independent School District, and declaring an emergency," etc.,

Have carefully compared same and find it correctly engrossed.

RICHARDSON, Vice-Chairman.

In Memory
of
Hon. J. H. McLean

Mr. Ferguson, by unanimous consent, offered the following resolution:

Whereas, The Supreme Architect of the Universe has issued His mandate calling from this life Honorable J. H. McLean of Llano, Llano county, Texas, Judge of the Thirty-third Judicial District of Texas; and

Whereas, For eleven years he rendered distinguished and commendable service as such district judge of the Thirty-third Judicial District, and prior to that time rendered a great and lasting service as an able lawyer and distinguished citizen of central Texas; and

Whereas, He at all times endeavored to raise the standards and character of the judicial service of the State upon a plane of character, honesty and integrity; and

Whereas, The State of Texas has lost in the death of Honorable J. H. McLean a man, a patriot, a gentleman and a jurist of the highest type; now therefore be it

Resolved by the House of Representatives of the State of Texas, That we deplore the passing of this distinguished gentleman and we extend our sympathy to his bereaved wife and other relatives; and be it further

Resolved, That a copy of this resolution, under the seal of the Chief Clerk, be spread upon the minutes of today's Journal, a copy to be mailed to Mrs. J. H. McLean, Llano, Llano county, Texas; and that when the House adjourns today it do so in memory of this distinguished jurist.

FERGUSON,
PETSCH,
STEVENSON,
GRAVES.

The resolution was read second time and was adopted by a rising vote.